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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JOSE SANCHEZ, ISMAEL RAMOS
9 CONTRERAS, and ERNEST
10 FRIMES, on behalf of themselves and
all others similarly situated,

11 Plaintiffs,

12 v.

13 UNITED STATES OFFICE OF
BORDER PATROL; et al.,

14 Defendants.

CASE NO. 12-5378 BHS

ORDER ON THE CR 37
SUBMISSION REGARDING
PLAINTIFFS' REQUEST FOR
PRODUCTION NOS. 20-24

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16 This matter comes before the Court on the parties' CR 37 Submission Regarding
17 Plaintiffs' Request for Production Nos. 20-24. Dkt. 32. The Court has considered the
18 pleadings filed regarding the motion and the file herein.

19 On April 26, 2012, Plaintiffs filed this putative class action, seeking to enjoin
20 Defendants from practices that are resulting in vehicle stops alleged to violate the Fourth
21 Amendment. Dkt. 1.

22 In the instant motion, Plaintiffs move the Court for an order compelling Defendant
23 Border Patrol to produce records, beginning in 2008, with respect to stops initiated by
24

1 Border Patrol or in which Border Patrol “participated.” Dkt. 32. Border Patrol agrees to
2 produce documents made in conjunction with stops they initiated, but objects to
3 producing documents related to stops that they “participated in,” but were initiated by
4 other agencies. *Id.*

5 Fed. R. Civ. P. 26(b)(1) provides:

6 Unless otherwise limited by court order, the scope of discovery is as
7 follows: Parties may obtain discovery regarding any nonprivileged matter
8 that is relevant to any party's claim or defense--including the existence,
9 description, nature, custody, condition, and location of any documents or
10 other tangible things and the identity and location of persons who know of
11 any discoverable matter. For good cause, the court may order discovery of
12 any matter relevant to the subject matter involved in the action. Relevant
13 information need not be admissible at the trial if the discovery appears
14 reasonably calculated to lead to the discovery of admissible evidence. All
15 discovery is subject to the limitations imposed by Rule 26(b)(2)(C).

16 Plaintiffs’ motion to compel Request for Production Nos. 20-24, filed as a joint
17 submission under Western District of Washington Rule of Civ. P. 37 (Dkt. 32),
18 should be denied. Plaintiffs have failed to show that the objected to discovery is
19 “relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). The named
20 Plaintiffs of the putative class were each involved in stops initiated by Border Patrol.
21 Plaintiffs have not made a sufficient showing that evidence of Border Patrol’s
22 participation in stops initiated by other agencies is relevant to their claims, claims of
23 the putative class, or defenses.
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Therefore, it is hereby **ORDERED** that:

- Plaintiffs' motion to compel Request for Production Nos. 20-24, filed as a joint submission under Western District of Washington Rule of Civ. P. 37 (Dkt. 32), is **DENIED**.

Dated this 4th day of October, 2012.



BENJAMIN H. SETTLE
United States District Judge